

tion into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which have been made in whole or in part of furs which had been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise falsely identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured.

2. Failing to affix labels to fur products showing:

a. The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

b. That the fur product contains or is composed of used fur, when such is the fact;

c. That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

d. That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is the fact;

e. The name or other identification, issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce or transported or distributed it in commerce;

f. The name of the country of origin of any imported furs used in the fur product;

g. The item number of such fur product.

3. Setting forth on labels attached to fur products:

a. Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder mingled with nonrequired information;

b. Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder in handwriting.

4. Failing to show on labels affixed to fur products all the information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder, on one side of such labels.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

a. The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed by the rules and regulations;

b. That the fur product contains or is composed of used fur, when such is the fact;

c. That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

d. That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is the fact;

e. The name and address of the person issuing such invoice;

f. The name of the country of origin of any imported furs contained in the fur product.

C. Falsely or deceptively advertising fur products, through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose:

a. The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

b. That the fur products contain or are composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

c. That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact; and

d. The name of the country of origin of any imported furs contained in the fur product.

2. Contains the name or names of an animal or animals other than those producing the fur contained in the fur product.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon it of this order file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: October 7, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-9527; Filed, Nov. 17, 1958; 8:50 a. m.]

[Docket No. 7177]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

JOSEPH J. PINKUS ET AL.

Subpart—Advertising falsely or misleadingly; § 13.170 Qualities or properties of product or service; § 13.195 Safety.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order,

Joseph J. Pinkus, doing business as Practical Research Company, etc., Newark, N. J., Docket No. 7177, October 11, 1958]

In the Matter of Joseph J. Pinkus, an Individual Doing Business as Practical Research Company, and as Practical Research K-12 Company

This proceeding was heard by a hearing examiner on the complaint of the Commission charging the distributor of "K-12" reducing preparation with representing falsely in advertising in newspapers, magazines, etc., that such product was safe to use by all obese persons and enabled them to lose weight without dieting and to lose a certain number of pounds in a given period.

After acceptance of an agreement for consent order, the hearing examiner made his initial decision and order to cease and desist which became on October 11 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent, Joseph J. Pinkus, an individual doing business as Practical Research Company and as Practical Research K-12 Company, or under any other trade name or names, and respondent's representatives, agents or employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the preparation K-12, or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith/cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or indirectly:

(a) That said preparation is safe to use by all obese persons;

(b) That obese persons can lose weight by the use of said preparation without dieting and while consuming the same kinds and amounts of food as they ordinarily consume;

(c) That any predetermined weight reduction can be achieved by the taking or use of said preparation for a prescribed period of time.

2. Disseminating or causing the dissemination of any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and

form in which he has complied with the order to cease and desist.

Issued: October 10, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-9528; Filed, Nov. 17, 1958;
8:50 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter I—Bureau of Employees' Compensation, Department of Labor

Subchapter A—Procedures

PART 01—STATEMENT OF PROCEDURES

APPLICATION OF LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION TO CER- TAIN CIVILIAN EMPLOYEES OF NONAPPRO- PRIATED FUND INSTRUMENTALITIES OF THE ARMED FORCES

On October 21, 1958, notice was published in the FEDERAL REGISTER (23 F. R. 8106) of a proposed amendment to 20 CFR, Part 01. The amendment is made necessary by the recent enactment of 72 Stat. 397 amending the act of June 19, 1952 (66 Stat. 139, 5 U. S. C. 150k-1) to apply the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424, as amended, 33 U. S. C. 901 et seq.) to disability or death resulting from injury occurring to a civilian employee of any nonappropriated fund instrumentality, and for other purposes. The amendment of this part is for the purpose of providing review of decisions, processing claims, and prescribing appropriate forms.

The notice provided a period of 15 days within which interested parties might submit data, views, or arguments pertaining to the proposed regulations. The time for filing such data and comments expired on November 5, 1958, and no responses were received. Accordingly, the proposed amendment is made final.

Under the authority of General Order No. 46 (15 F. R. 3290), Reorganization Plan No. 19 of 1950 (15 F. R. 3178, 39 Stat. 742), and section 39 of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1442; 33 U. S. C. 939) as applied by 72 Stat. 397, 5 U. S. C. 150k-1, 20 CFR, Part 01 is amended as follows:

Part 01 of Subchapter A of this chapter is hereby amended by adding a new Subpart I as follows:

SUBPART I—COMPENSATION FOR CIVILIAN EMPLOYEES OF NONAPPROPRIATED FUND INSTRUMENTALITIES

- Sec.
01.81 Processing of claims.
01.82 Review of decisions.
01.83 Forms.

AUTHORITY: §§ 01.81 to 01.83 Issued under sec. 39, 44 Stat. 1442, as amended; 33 U. S. C. 939. Interpret or apply 72 Stat. 397, 5 U. S. C. 150k-1.

§ 01.81 *Processing of claims.* The processing of claims of employees and dependents for compensation benefits payable according to the Longshoremen's

and Harbor Workers' Compensation Act, as amended (44 Stat. 1424, 33 U. S. C. 901 et seq.) as extended by the act of July 18, 1958 (72 Stat. 397; 5 U. S. C. 150k-1), to civilian employees of nonappropriated fund instrumentalities of the Armed Forces, is governed by § 01.11.

§ 01.82 *Review of decisions.* Except as herein modified, review of compensation cases arising under the Longshoremen's and Harbor Workers' Compensation Act as extended by the act of July 18, 1958 (72 Stat. 397; 5 U. S. C. 150k-1) to civilian employees of nonappropriated fund instrumentalities of the Armed Forces, is governed by § 01.12. Proceedings for judicial review (or for enforcement of payment of compensation in case of default as authorized under section 18 of the Longshoremen's Act), of a decision in a compensation case arising under the Longshoremen's Act, as thus extended, are required to be instituted with respect to any injury or death occurring outside the continental limits of the United States, in the District Court of the United States within the territorial jurisdiction of which is located the office of the deputy commissioner having jurisdiction in respect of such injury or death (or in the United States District Court for the District of Columbia if such office is located in such district). In all other cases the provisions of section 21 (b) (33 U. S. C. 921 (b)) of the Longshoremen's Act apply and they require judicial proceedings to be instituted in the United States District Court for the judicial district in which the injury occurred (or the United States District Court for the District of Columbia, if the injury occurred in the District of Columbia).

§ 01.83 *Forms.* The same forms prescribed for use in connection with the administration of the Longshoremen's Act are used in the administration of said act of July 18, 1958, providing for payment of workmen's compensation benefits to civilian employees of nonappropriated fund instrumentalities of the Armed Forces as follows:

- US-201 Employee's first notice to Deputy Commissioner of accident or occupational disease.
US-202 Employer's first report to Deputy Commissioner of accident or occupational disease.
US-202A Employer's first report of injury. (No time lost by employee.)
US-203 Employee's claim for compensation.
US-204 Attending Physician's report.
US-205 Physician's report on permanent eye disabilities.
US-206 Notice to the Deputy Commissioner that the payment of compensation has begun without awaiting award.
US-207 Notice to the Deputy Commissioner that claim will be controverted.
US-208 Notice to the Deputy Commissioner that the payment of compensation has been stopped or suspended.
US-209 Request to employee that he reply to the employer's objection to his right to compensation.
US-210-11 Employer's supplementary report of accident or occupational disease.
US-212 Notice to injured employee that case will be closed unless reports now on file are shown to be incorrect.
US-213 Notice of election to sue (disability or death claim).
US-214 Request for medical examination under United States Longshoremen's and Harbor Workers' Compensation Act.
US-215 Answer of employer or insurance carrier to employee's claim for compensation.
US-215A Notice to employer and insurance carrier that answer to claim for compensation should be made.
US-216 Request for additional reports.
US-221 Application for lump sum award (disability or death).
US-226 Subpoena.
US-226A Subpoena Duces Tecum.
US-226B Notice of Hearing.
US-260 Notice to Deputy Commissioner of Death (by dependents or on their behalf).
US-261 Supplemental report of employer in death case.
US-262 Claim for compensation in death case by widow and/or children under the age of eighteen.
US-263 Claim for compensation in death cases by dependents other than widow and children of deceased (each dependent or representative must file individual claim).
US-264 Proof of death (by Physician last in attendance on Deceased).
US-265 Proof of Burial and Funeral expenses—by Undertaker.
LSI-2 Application for Self-Insurance.
LSI-3 Decision granting authority to Act as Self-insurer.
LSI-4 Agreement and Undertaking of employer granted the privilege of paying compensation as self-insurer.
LSI-5c Indemnity Bond given by Self-insurer.
LSI-8 Pay-roll report.
LSI-9 Report of compensation payments.
LSI-10 Report of employer's injury experience.
LSI-11 Certificate of Authority.
US-239 Certificate that employer has secured payment of compensation (by obtaining insurance policy).
US-240 Certificate that employer has secured payment of compensation (by self-insurance).
US-241 Notice (compliance with Act by insuring with).
US-242 Notice (compliance with Act by self-insurance).

In accordance with subsection 4 (c) of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1003), I find that good cause exists to forego the otherwise required provision for a delay of 30 days in the effective date of these regulations. The Act of July 18, 1958 (72 Stat. 397, 5 U. S. C. 150k-1) becomes effective on November 15, 1958, rendering compensation features of the Act of June 19, 1952 (66 Stat. 139, 5 U. S. C. 150k-1) inoperative on that date. As certain employees will no longer be protected under the Act of June 19, 1952, but come under the protection of the Act of July 18, 1958, it is deemed necessary without delay to implement the new Act by establishing procedures for processing claims, prescribing appropriate forms, and providing for review of decisions on claims in order to avoid a hiatus in the protection for such employees from disability or death resulting from injury. Accordingly, this amendment will take effect on November 15, 1958, coincident with the effective date of the new Act.

Signed at Washington, D. C., this 13th day of November 1958.

WILLIAM McCauley,
Director,
Bureau of Employees' Compensation.

[F. R. Doc. 58-9580; Filed, Nov. 14, 1958;
4:33 p. m.]

Subchapter I—Application of the Longshoremen's and Harbor Workers' Compensation Act to Civilian Employees of Nonappropriated Fund Instrumentalities of the Armed Forces

ADDITION OF SUBCHAPTER

On October 21, 1958, notice was published in the *FEDERAL REGISTER* (23 F. R. 8107) of a proposed amendment adding a new Subchapter I to Chapter 1 of Title 20, Code of Federal Regulations. The amendment is made necessary by the recent enactment of 72 Stat. 397 amending the act of June 19, 1952 (66 Stat. 139, 5 U. S. C. 150k-1) to apply the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424, as amended, 33 U. S. C. 901 et seq.) to disability or death resulting from injury occurring to a civilian employee of any nonappropriated fund instrumentality, and for other purposes. The amendment of this part is for the purpose of defining coverage under the said Act, interpreting the Act, establishing compensation districts, authorizing insurance carriers, and prescribing appropriate forms.

The notice provided a period of 15 days within which interested parties might submit data, views, or arguments pertaining to the proposed regulations. The time for filing such data and comments expired on November 5, 1958, and no responses were received. Accordingly, the proposed amendment is made final.

Under the authority of General Order No. 46 (15 F. R. 3290), Reorganization Plan No. 19 of 1950 (15 F. R. 3178, 39 Stat. 742), and section 39 of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1442; 33 U. S. C. 939) as applied by 72 Stat. 397, 5 U. S. C. 150k-1, 20 CFR, Chapter 1 is amended as follows:

1. Chapter 1 of Title 20, Code of Federal Regulations is hereby amended by adding a new Subchapter I as follows:

PART 91—GENERAL ADMINISTRATIVE PROVISIONS

- Sec. 91.1 General administrative provisions; definitions; interpretation of statute.
91.2 Establishment of compensation districts.

AUTHORITY: §§ 91.1 and 91.2 issued under sec. 39, 44 Stat. 1442, as amended, 33 U. S. C. 939. Interpret or apply 72 Stat. 397, 5 U. S. C. 150k-1.

§ 91.1 *General administrative provisions; definitions; interpretation of statute.*—(a) *General.* (1) Section 2 of the act of June 19, 1952 (66 Stat. 139, 5 U. S. C. 150k-1) as amended by the act of July 18, 1958 (72 Stat. 397) extends the provisions of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424, as amended; 33 U. S. C. 901, et seq.), the latter hereinafter referred to in this subchapter as "the Longshoremen's Act", to cases of disability or death of civilian employees, compensated from nonappropriated funds, employed by those instrumentalities of the United States under the jurisdiction of the Armed Forces which are conducted for the comfort, pleasure, contentment and mental and physical improvement of personnel of the Armed

Forces as identified in section 1 of the act of June 19, 1952 (66 Stat. 138; 5 U. S. C. 150k). The regulations in Subchapter C of this chapter governing the administration of the Longshoremen's Act, insofar as they are applicable and are not inconsistent with any provision of this subchapter, shall govern the administration of the Longshoremen's Act as extended by such act of July 18, 1958, (72 Stat. 397, 5 U. S. C. 150k-1). Every person subject to, claiming benefits under, or acting under the Longshoremen's Act as thus extended, shall conform to the procedure prescribed in the Longshoremen's Act, as set out in the regulations in Subchapter C and in this subchapter. The term "Bureau" as used in this subchapter means the Bureau of Employees' Compensation, U. S. Department of Labor.

(2) The said Bureau is the agency which was transferred from the Federal Security Agency to the U. S. Department of Labor by Reorganization Plan No. 19 of 1950 (15 F. R. 3178, 39 Stat. 742) effective May 24, 1950, the said Bureau having been established in the Federal Security Agency to perform the functions theretofore performed by the United States Employees' Compensation Commission, the latter having been abolished and its functions transferred to the Federal Security Agency by Reorganization Plan No. 2 of 1946 (11 F. R. 7873, 60 Stat. 1096), effective July 16, 1946.

(b) *Coverage.* The act of July 18, 1958 (72 Stat. 397, 5 U. S. C. 150k-1) applies in respect to disability or death resulting from injury as defined in section 2 of the Longshoremen's Act (33 U. S. C. 902 (2)) occurring to a civilian employee of any nonappropriated fund instrumentality identified in section 1 of the act of June 19, 1952 (66 Stat. 139; 5 U. S. C. 150k). The employees within the coverage of this extension of the Longshoremen's Act are (1) those employees of the identified nonappropriated fund instrumentalities who are employed within the continental United States, and (2) those United States citizens or permanent residents of the United States or a Territory who are employees of such instrumentalities outside the continental limits of the United States. An employee who is not a citizen or permanent resident of the United States or a Territory, employed outside the continental limits of the United States by any such nonappropriated fund instrumentality, is not within the coverage of said act of July 18, 1958, but is subject to such protections as may be provided for under regulations issued by the Secretary of the military department concerned and approved by the Secretary of Defense, or regulations prescribed by the Secretary of the Treasury, as the case may be. The coverage of such nonappropriated fund instrumentality employees under the Longshoremen's Act is made effective on the 120th day following the date of enactment of 72 Stat. 397.

(c) *Definitions and interpretations of the statute.* Except as expressly modified in this subchapter, terms used in the regulations promulgated in this subchapter shall be construed and applied as de-

fined in the Longshoremen's Act (44 Stat. 1424, 33 U. S. C. 901 et seq.) and in decisions interpreting that Act.

(1) The term "employer" means each of the nonappropriated fund instrumentalities identified in section 1 of the act of June 19, 1952 (66 Stat. 139; 5 U. S. C. 150k).

(2) The term "employee" means an employee of any nonappropriated fund instrumentality, as so identified, employed within the continental United States and a person who is a United States citizen or permanent resident of the United States or a Territory employed by such an instrumentality outside the continental limits of the United States.

(3) The term "State" means any State of the Union.

(4) The term "Territory" means the Territories and Possessions of the United States, including the District of Columbia and the Commonwealth of Puerto Rico.

§ 91.2 *Establishment of compensation districts.* (a) Pursuant to the provisions of section 39 (b) of the Longshoremen's Act and section 2 (a) (4) of (66 Stat. 139, 5 U. S. C. 150k-1, as amended by section 1, 72 Stat. 397) there are established the following compensation districts for the administration of this subchapter:

District No. 1. Comprises the New England States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, with headquarters at Boston, Massachusetts.

District No. 2. Comprises the Port of New York, including that part of New Jersey legally included in the Port of New York, and the State of New York, except that part of New York State north and west of a line 30 miles from the shore of Lake Erie and Lake Ontario and the Niagara and St. Lawrence Rivers, with headquarters at New York, N. Y.

District No. 3. Comprises the State of New Jersey, except that part legally included in the Port of New York, and the States of Delaware and Pennsylvania, except that part of the State of Pennsylvania north and west of a line 30 miles from the shore of Lake Erie, with headquarters at Philadelphia, Pennsylvania.

District No. 4. Comprises the State of Maryland and District of Columbia, including the Potomac River, with headquarters at Baltimore, Maryland.

District No. 5. Comprises the State of Virginia, except the Potomac River, and the State of North Carolina, with headquarters at Norfolk, Virginia.

District No. 6. Comprises the States of South Carolina, Georgia and Florida, with headquarters at Jacksonville, Florida.

District No. 7. Comprises the States of Alabama, Mississippi, Louisiana, and Arkansas, excluding that part of the Mississippi River between Arkansas and Tennessee, with headquarters at New Orleans, Louisiana.

District No. 8. Comprises the State of Texas, including that part of the Red River between Texas and Oklahoma, with headquarters at Galveston, Texas.

District No. 9. Comprises that part of the lake district in the States of Pennsylvania and New York extending thirty miles inland from the shore of Lake Erie and Lake Ontario and the Niagara and St. Lawrence Rivers; the lower peninsula of the State of Michigan, except that part west and north of a line 30 miles from the shore of Lake Michigan and the Strait of Mackinac; the

State of West Virginia, the State of Ohio, the State of Indiana, including the Wabash River between Indiana and Illinois, excluding the territory north of a line 30 miles from the shore of Lake Michigan; the State of Kentucky, including that part of the Ohio River between Kentucky and Illinois and that part of the Mississippi River between Kentucky and Missouri; the State of Tennessee, including that part of the Mississippi River between the States of Tennessee, Missouri, and Arkansas, with headquarters at Cleveland, Ohio.

District No. 10. Comprises the rest of the lake district, namely, an area thirty miles wide along the shore of Lake Michigan in the lower peninsula of Michigan, and in the State of Indiana; all of the northern peninsula of Michigan, and the States of Wisconsin, Minnesota, North and South Dakota, Nebraska, Iowa and Kansas; the State of Illinois, excluding that part of the Wabash River between Illinois and Indiana, and that part of the Ohio River between Illinois and Kentucky; the State of Missouri, excluding the Mississippi River between Missouri, Kentucky and Tennessee; the State of Oklahoma, excluding the Red River between Oklahoma and Texas, with headquarters at Chicago, Illinois.

District No. 13. Comprises the States of California, Arizona, New Mexico, Nevada, Utah, and Colorado, with headquarters at San Francisco, California.

District No. 14. Comprises the States of Washington, Oregon, Idaho, Montana, and Wyoming, and the Territory of Alaska, with headquarters at Seattle, Washington.

District No. 15. Comprises the Territory of Hawaii, with headquarters at Honolulu, T. H.

With respect to those United States citizens or permanent residents of the United States or a Territory who are employed outside the continental limits of the United States, the compensation districts as established under § 51.2, Part 51 of Subchapter E of this chapter are as follows:

Pacific District. This district comprises all land and water areas outside the continents of North and South America which are south of the 45th degree north latitude and westward from the 110th degree west longitude to the 60th degree east longitude, except areas in the North Atlantic Ocean and contiguous waters, with headquarters at Honolulu, T. H.

District No. 1. This district as established under the Longshoremen's and Harbor Workers' Compensation Act is extended to include Canada east of the 75th degree west longitude, Newfoundland and Greenland, with headquarters at Boston, Massachusetts.

District No. 2. This district as established under the Longshoremen's and Harbor Workers' Compensation Act is extended to include Bermuda, with headquarters at New York, N. Y.

District No. 10. This district as established under the Longshoremen's and Harbor Workers' Compensation Act is extended to include Canada west of the 75th degree and east of the 110th degree west longitude with headquarters at Chicago, Illinois.

District No. 14. This district as established under the Longshoremen's and Harbor Workers' Compensation Act is extended to include all land areas in the Pacific Ocean north of the 45th degree north latitude, Canada west of the 110th degree west longitude, and Alaska, with headquarters at Seattle, Washington.

Foreign District. This district comprises the areas outside continental United States not included in any compensation district established in this section, with headquarters at New York, N. Y.

PART 92—AUTHORIZATION OF INSURANCE CARRIERS

Sec.

92.1 Insurance carriers covering nonappropriated fund instrumentalities.

Sec.

92.2 Applicants currently authorized to write insurance under other Federal workmen's compensation laws.

92.3 Non-appropriated fund instrumentality endorsement.

92.4 Report by carrier of issuance of policy or endorsement; form.

92.5 Report; by whom sent.

92.6 Agreement to be bound by card reports.

92.7 Name of one instrumentality only shall be reported on one card.

AUTHORITY: §§ 92.1 to 92.7 issued under sec. 39, 44 Stat. 1442, as amended, 33 U. S. C. 939. Interpret or apply 72 Stat. 397; 5 U. S. C. 150k-1.

§ 92.1 *Insurance carriers covering non-appropriated fund instrumentalities.* Except as modified by the provisions of this subchapter, the provisions of the regulations in Part 32, Subchapter C of this chapter, shall govern insurance carriers writing insurance under the extension of the Longshoremen's Act to employees of non-appropriated fund instrumentalities of the Armed Forces by the act of July 18, 1958 (72 Stat. 397; 5 U. S. C. 150k-1).

§ 92.2 *Applicants currently authorized to write insurance under other Federal workmen's compensation laws.* Any applicant currently authorized by the Bureau of Employees' Compensation to write insurance under the Longshoremen's Act (44 Stat. 1424, 33 U. S. C. 901 et seq.) or under the District of Columbia Workmen's Compensation Law (45 Stat. 600, 36 D. C. Code 501, 502) or under the Defense Bases Act (55 Stat. 622, 42 U. S. C. 1651), or under the extension of the Longshoremen's Act by the Outer Continental Shelf Lands Act (67 Stat. 462, 43 U. S. C. 1331), need not support its application with the evidence required by the regulations in Part 32, Subchapter C of this chapter, unless specifically requested by the Bureau, except the form of policy and endorsement which it proposes to use, but instead its application may refer to the fact that it has been so authorized.

§ 92.3 *Nonappropriated fund instrumentality endorsement.* (a) The following form of endorsement applicable to the standard workmen's compensation and employer's liability policy shall be used with the form of policy approved by the Bureau of Employees' Compensation for use by an authorized carrier.

For Attachment to Policy No. _____

(1) The obligations of paragraph one (a) of the Policy include the Longshoremen's and Harbor Workers' Compensation Act, being Public Law No. 803 of the 69th Congress, approved March 4, 1927, as extended to civilian employees of the nonappropriated fund instrumentalities of the United States under the jurisdiction of the Armed Forces by the act of July 18, 1958 (72 Stat. 397, 5 U. S. C. 150k-1), and all the laws amendatory thereof or supplementary thereto which may be or become effective while this policy is in force.

(2) The Company will carry out the provisions of section 35 of the Longshoremen's and Harbor Workers' Compensation Act. Insolvency or bankruptcy of the employer and/or discharge therein shall not relieve the Company from payment of compensation and other benefits lawfully due for disability or death sustained by an employee during the life of the policy.

(3) The Company agrees to abide by all the provisions of the Longshoremen's and

Harbor Workers' Compensation Act and all the lawful rules, regulations, orders and decisions of the Bureau of Employees' Compensation, Department of Labor, and of the Deputy Commissioner having jurisdiction, unless and until set aside, modified or reversed by a court having jurisdiction over the parties and the cause of action.

(4) This endorsement shall not be cancelled prior to the date specified in this policy for its expiration until at least thirty days have elapsed after a notice of cancellation has been sent to the Bureau, to the Deputy Commissioner, and to the within named employer.

(5) All terms, conditions, requirements, and obligations expressed in this policy or in any other endorsement attached thereto which are not inconsistent with or inapplicable to the provisions of this endorsement are hereby made a part of this endorsement as fully and completely as if wholly written herein.

(6) References to the law of any State in Conditions B and D of this policy are hereby declared to include for the purpose of this endorsement only, the provisions of the Longshoremen's and Harbor Workers' Compensation Act, as amended, and of the said act of July 18, 1958, 5 U. S. C. 150k-1.

(b) The following paragraphs may at the option of the insurer be included in the form of endorsement which is provided in paragraph (a) of this section. No other provision, alteration of any prescribed provision, or alteration of any optional provision shall be made or used in any such endorsement except after submission to the Bureau and receipt of its written approval thereof:

If the within employer is a contractor the subject of whose contract includes operations covered by this policy and he shall subcontract all or any part of such contract to one or more subcontractors, the remuneration of all the direct employees of such subcontractors shall be included in the return of remuneration under the provisions of this policy upon which premium is computed. Such remuneration so reported shall be considered the remuneration of employees of the within named employer and shall in all instances be governed by the same terms, conditions, requirements, and obligations of the policy as the remuneration of the direct employees of the within named employer. The requirements of this paragraph shall not apply as respects any such subcontractor who has secured compensation for his direct employees as required by the Longshoremen's and Harbor Workers' Compensation Act, but the within named employer shall not claim the benefit of this exemption unless and until he shall satisfy the Company by certificate or otherwise that any such subcontractor has legally secured the payment of compensation to his own direct employees and then only respecting any subcontractor who has furnished such proof.

If the premium as determined in accordance with the provisions of the policy is less than \$300, there shall be added thereto an expense constant of \$10, unless such addition shall increase the premium to an amount in excess of \$300, in which event only such part of the expense constant shall be added as will bring the amount of the premium up to \$300. Inclusion of the expense constant or any part thereof in the estimated advance premium is subject to final adjustment upon audit, all in accordance with the provisions hereof. The minimum premium of the policy includes the expense constant.

(c) In applying the regulations in Part 32, Subchapter C of this chapter insofar as they are incorporated in this subchapter, all references to the Longshoremen's endorsement shall be construed as hav-

ing reference to the nonappropriated fund instrumentality.

§ 92.4 Report by carrier of issuance of policy or endorsement; form. (a) A carrier which has executed the agreement provided for in § 92.6 shall report to the deputy commissioner assigned to a compensation district each policy and endorsement issued by it to a nonappropriated fund instrumentality which carries on operations in such compensation district. The report shall be made upon a printed card to be provided by such carrier. Such card shall be 50 percent rag, salmon pink, lightweight, 3 x 5 inches. The printing thereon shall be as follows:

Nonappropriated fund instrumentality -----
Address -----
Policy No. -----
Dates of beginning and expiration -----

Report is made of the issue of approved form of policy and endorsement under the Longshoremen's and Harbor Workers' Compensation Act, as amended and as extended by the act of July 18, 1958 (72 Stat. 397, 5 U. S. C. 150k-1) to employees of nonappropriated fund instrumentalities of the United States under the jurisdiction of the Armed Forces.

(Name of insurance carrier) -----
By -----
Cancellation -----
(Effective date) -----
(Date notice received by deputy) -----

This card shall be sent to the Deputy Commissioner of the Bureau of Employees' Compensation, U. S. Department of Labor, for the compensation district indicated by the address of the employing instrumentality.

(b) Each such carrier will print its name at the place indicated. The note at the bottom designating the place to which the card shall be sent should be in small type, about 6 point, and if desired this note may be printed on the reverse side of the card. The spaces below the line for the employer's name and the line for his address should each be sufficient to permit two additional lines of type-writing. The term "nonappropriated fund instrumentality" should be about 3/4 inch from the top of the card. The line for cancellation date will be filled in only by the office of the deputy commissioner.

§ 92.5 Report: by whom sent. The report of issuance of a policy and endorsement provided for in § 92.4 shall be sent by the home office of the carrier to the deputy commissioner at his headquarters, except that any carrier may authorize its agency or agencies in any compensation district to make such reports to the deputy commissioner, provided the carrier shall notify the deputy commissioner in such district of the agency or agencies so duly authorized. The deputy commissioner in turn shall supply to his sub-offices, if any, current lists showing the policies so reported, giving the names and addresses of the employers, with the names of their respective carriers, the policy numbers and the dates of beginning and expiration of the policies. Similar current lists of cancellation shall also be furnished to sub-offices.

§ 92.6 Agreement to be bound by card reports. (a) Except as provided in this section, each covered instrumentality shall present to the deputy commissioner in the compensation district in which it has operations, the policy covering its operations in such district, which it has procured in compliance with section 32 of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1439; 33 U. S. C. 932) as extended by the act of July 18, 1958 (72 Stat. 397; 5 U. S. C. 150k-1). Any carrier desiring to do so may make such presentation of such policy unnecessary in any particular case by transmitting to the Bureau an agreement signed by its president and secretary (or other authorized officers in cases of foreign or mutual companies or State funds), in the following form, and making reports accordingly, of the issuance of a policy in such particular case.

The (insert name of insurance carrier) hereby agrees, in consideration of the acceptance by the Bureau of Employees' Compensation, Department of Labor and its deputy commissioners of reports of issue of approved form of policy and endorsement under the Longshoremen's and Harbor Workers' Compensation Act as amended and as extended to employers of nonappropriated fund instrumentalities by the act of July 18, 1958 (72 Stat. 397; 5 U. S. C. 150k-1) in the form prescribed by the Bureau in § 92.4 of its regulations, that it will be liable and hereby accepts the full liability expressed in the approved form of endorsement, under said laws in all cases in which it has heretofore and may hereafter use the prescribed form of report to deputy commissioners and transmit the same to the proper deputy commissioner; the sending of such report of issue of policy to the deputy commissioner shall be accepted by the Bureau and its deputy commissioners as conclusive evidence (1) of the issuance of a policy to the employer, named in such report, in approved form and having attached an approved form of endorsement under applicable regulations of the Bureau and (2) of the effectiveness of such policy during the period as stated in such report; and it further agrees that such liability shall not be terminated prior to the expiration of the policy, except in case of cancellation, and then at the time in the manner which is prescribed in the Longshoremen's and Harbor Workers' Compensation Act, in the regulations of said Bureau, and in the endorsement referred to.

(b) An insurance carrier desiring to withdraw from such agreement may do so upon giving thirty days notice to the Bureau by registered mail.

§ 92.7 Name of one employer only shall be reported on one card. (a) A separate report of the issuance of a policy and endorsement, provided for by § 92.4, shall be made for each employer covered by a policy. If a policy is issued insuring more than one employer, a separate card report for each employer so covered shall be sent to the deputy commissioner concerned, with the name of only one employer on each such report. Unless a card report is received by the deputy commissioner for a compensation district, the deputy commissioner shall regard an employer as an uninsured employer in the particular compensation district (except in cases where such em-

ployer is a duly authorized self-insurer, or the employer himself has presented a policy for inspection by the deputy commissioner).

(b) Where a nonappropriated fund instrumentality has operations in more than one compensation district the report by the carrier should be sent to each compensation district established in § 91.2 of this subchapter, in which such operations are carried on, so that the deputy commissioner for that compensation district may have a record of the coverage and may issue the certificate of compliance authorized under Part 94 of this subchapter. Unless a card report is received by the deputy commissioner for a compensation district in which the nonappropriated fund instrumentality is engaged in activities the deputy commissioner shall regard the instrumentality as uninsured until proper report of the issuance of an insurance policy has been made to him.

PART 93—AUTHORIZATION OF SELF-INSURERS

Sec.

93.1 Authorization of self-insurers.

93.2 Reports required.

AUTHORITY: §§ 93.1 and 93.2 issued under sec. 39, 44 Stat. 1442, as amended, 33 U. S. C. 939. Interpret or apply 72 Stat. 397; 5 U. S. C. 150k-1.

§ 93.1 Authorization of self-insurers. The provisions of the regulations in Part 33, Subchapter C of this chapter, shall govern the authorization of the self-insurance privilege under the Longshoremen's Act as made applicable to nonappropriated fund instrumentalities by the act of July 18, 1958 (72 Stat. 397, 5 U. S. C. 150k-1). Applications will be considered if submitted through the head of the military department concerned, or his delegate, and with his approval.

§ 93.2 Reports required. (a) At such time as the Bureau of Employees' Compensation may require or prescribe, the self-insurer shall submit such of the following reports as may be requested:

(1) Statement of assets and liabilities, or balance sheet.

(2) Statement showing by classification, the payroll of the employees of the self-insured subject to the said act of July 18, 1958, with respect to whom the securing of compensation is accomplished by self-insurance.

(3) Statement showing payments of compensation of current cases during any specified quarter, with an indication of the nature of the injury or death in each case.

(4) Statement by compensation district of outstanding injury and death cases during such period as may be called for, together with the particulars of each case.

(5) Details of coverage as to any stop-loss or excess-loss insurance in effect in respect to obligations under said Act.

(b) Any statement requested under the provisions of this section will be accepted if submitted by the head of the military department concerned or by his delegate authorized to submit such statement.

PART 94—ISSUANCE OF CERTIFICATES OF COMPLIANCE

Sec.

- 94.1 Issue of certificate of compliance.
94.2 Return of certificate of compliance.

AUTHORITY: §§ 94.1 and 94.2 issued under sec. 39, 44 Stat. 1442, as amended, 33 U. S. C. 939. Interpret or apply, 72 Stat. 397; 5 U. S. C. 150k-1.

§ 94.1 *Issue of certificate of compliance.* (a) Every nonappropriated fund instrumentality which has secured the payment of compensation by obtaining a policy of insurance under section 32 of the Longshoremen's Act (44 Stat. 1426; 33 U. S. C. 901) and by Part 92 of this subchapter will receive from the deputy commissioner in the compensation district in which the instrumentality has operations (or for the jurisdiction area of such compensation district) and to whom such insurance has been reported as provided by these regulations, a certificate that such nonappropriated fund instrumentality has secured the payment of such compensation. Only one certificate will be issued to the insured instrumentality in a compensation district, and it will be valid only during the period for which compensation has been secured by the insured. An instrumentality so desiring may have photostatic copies (or other facsimile copies) of such a certificate made for use in different places within the compensation district or jurisdictional area thereof. A certificate of compliance will be issued by the deputy commissioner for his district (1) upon receipt by him and his acceptance of a card report of issuance of a policy of insurance to the instrumentality as provided by § 92.4 of this subchapter, by an authorized insurance carrier which has filed an agreement to be bound by a card report in conformity with § 92.6 of this subchapter, or (2) upon presentation to the deputy commissioner by the authorized administrative officer of the instrumentality (and not by an insurance carrier, insurance agency, or broker) of the applicable policy of insurance then in force, and endorsement thereon, issued to the instrumentality in conformity with Part 92 of this subchapter by an authorized insurance carrier which has not filed the agreement provided for by § 92.6 of this subchapter.

(b) Each instrumentality granted the privilege of self-insurance as provided by section 32 of the Longshoremen's Act and by Part 93 of this subchapter will receive from the deputy commissioner a certificate that it has complied with the said law with respect to the securing of the payment of compensation. Only one such certificate will be issued to the instrumentality by a deputy commissioner in a compensation district and it will be valid only during the period stated in such certificate. An instrumentality so desiring may have photostatic copies (or other facsimile copies) of such certificates made for use in different places within a compensation district or jurisdictional area thereof.

(c) Two forms of the certificate of compliance have been provided for by the Bureau of Employees' Compensation: (1) The form used where the instrumentality has obtained insurance gen-

erally under the regulations in this subchapter, and (2) the form used where the instrumentality has been authorized to secure compensation as a self-insurer.

§ 94.2 *Return of certificate of compliance.* Upon the termination by expiration, cancellation or otherwise, of a policy of insurance issued under the provisions of the Longshoremen's Act and the regulations in this subchapter, or the revocation or termination of the privilege of self-insurance, all certificates of compliance issued on the basis of such insurance or self-insurance shall be void and unless the period shall have expired for which issued, shall be returned by the instrumentality to the deputy commissioner issuing them, with a statement of the reason for such return. An instrumentality currently holding a certificate of compliance under an insurance policy which has expired, pending the renewal of such insurance, need not return such certificate of compliance if such expired insurance is promptly replaced, but where the insurance or self-insurance is not renewed or replaced, the certificate of compliance should be returned.

In accordance with subsection 4 (c) of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1003), I find that good cause exists to forego the otherwise required provision for a delay of 30 days in the effective date of these regulations. The act of July 18, 1958 (72 Stat. 397, 5 U. S. C. 150k-1) becomes effective on November 15, 1958, rendering compensation features of the act of June 19, 1952 (66 Stat. 139, 5 U. S. C. 150k-1) inoperative on that date. As certain employees will no longer be protected under the act of June 19, 1952, but come under the protection of the act of July 18, 1958, it is deemed necessary without delay to implement the new act by regulations establishing compensation districts, authorizing insurance carriers, and prescribing appropriate forms in order to avoid a hiatus in the protection for such employees from disability or death resulting from injury. Accordingly, this amendment will take effect on November 15, 1958, coincident with the effective date of the new act.

Signed at Washington, D. C., this 13th day of November 1958.

WM. McCAULEY,
Director,

Bureau of Employees' Compensation.

[F. R. Doc. 58-9581; Filed, Nov. 14, 1958; 4:33 p. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

EXEMPTION FROM CERTIFICATION REQUIREMENTS
Correction

In F. R. Document 58-9375, appearing in the issue for Thursday, November 13, 1958, at page 8792, make the following

change: In § 146.12 (b) (1) add "Bactracin ointment" to the list of antibiotic drugs.

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 541—DEFINING AND DELIMITING THE TERMS "ANY EMPLOYEE EMPLOYED IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, PROFESSIONAL OR LOCAL RETAILING CAPACITY, OR IN THE CAPACITY OF OUTSIDE SALESMAN"

MISCELLANEOUS AMENDMENTS

On April 5, 1958, notice was published in the FEDERAL REGISTER (23 F. R. 2256), that the Acting Administrator of the Wage and Hour and Public Contracts Divisions proposed to amend §§ 541.1 (f), 541.2 (e) and 541.3 (e), Part 541 of Title 29, Code of Federal Regulations. The proposal stated increases in the salary requirement specified in each of such paragraphs as a condition of exemption from the minimum wage and overtime requirements of the Fair Labor Standards Act provided by section 13 (a) (1) thereof, for any employee employed in a bona fide executive, administrative or professional capacity respectively. The proposal granted interested persons 30 days to submit for consideration data, views and arguments, pertaining to the proposed amendments.

The responses received, except those based on economic conditions during the winter of 1957 and the spring of 1958, are based on views and data similarly advanced during and after the hearings and considered, and insofar as found valid incorporated in the post-hearings Report and Recommendations. I have examined the objections raised by the responses, and in the light of the entire record of the proceedings, including the Report and Recommendations, which I hereby adopt, I conclude that they do not warrant any change in the proposal.

Requests were made that promulgation of the proposed amendment be deferred because of unfavorable economic conditions. I find no significant changes have occurred in salary levels for executive, administrative and professional employees since the issuance of the Report and Recommendations. The requests for deferral have been considered and are denied.

Pursuant to authority contained in section 13 (a) (1) of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), and General Order No. 45-A (15 F. R. 3290) of the Secretary of Labor, notice is hereby given that the Administrator amends §§ 541.1 (f), 541.2 (e), and 541.3 (e) of Title 29 of the Code of Federal Regulations to read as follows:

§ 541.1 *Executive.* . . .

(f) Who is compensated for his services on a salary basis at a rate of not less than \$80 per week (or \$55 per week if employed in Puerto Rico or the Virgin Islands) exclusive of board, lodging, or other facilities; *Provided*, That an employee who is compensated on a salary basis at a rate of not less than \$125 per

week (exclusive of board, lodging, or other facilities), and whose primary duty consists of the management of the enterprise in which he is employed or of a customarily recognized department or subdivision thereof, and includes the customary and regular direction of the work of two or more other employees therein, shall be deemed to meet all of the requirements of this section.

§ 541.2 Administrative. * * *

(e) Who is compensated for his services on a salary or fee basis at a rate of not less than \$95 per week (or \$70 per week if employed in Puerto Rico or the Virgin Islands) exclusive of board, lodging, or other facilities: *Provided*, That an employee who is compensated on a salary or fee basis at a rate of not less than \$125 per week (exclusive of board, lodging, or other facilities), and whose primary duty consists of the performance of office or nonmanual field work directly related to management policies or general business operations of his employer or his employer's customers, which includes work requiring the exercise of discretion and independent judgment, shall be deemed to meet all of the requirements of this section.

§ 541.3 Professional. * * *

(e) Who is compensated for his services on a salary or fee basis at a rate of not less than \$95 per week (or \$70 per week if employed in Puerto Rico or the Virgin Islands) exclusive of board, lodging, or other facilities: *Provided*, That this paragraph shall not apply in the case of an employee who is the holder of a valid license or certificate permitting the practice of law or medicine or any of their branches and who is actually engaged in the practice thereof: *Provided*, That an employee who is compensated on a salary or fee basis at a rate of not less than \$125 per week (exclusive of board, lodging, or other facilities), and whose primary duty consists of the performance of work either requiring knowledge of an advanced type in a field of science or learning, which includes work requiring the consistent exercise of discretion and judgment, or requiring invention, imagination, or talent in a recognized field of artistic endeavor, shall be deemed to meet all of the requirements of this section.

(Sec. 13, 52 Stat. 1067, as amended; 29 U. S. C. 213)

This amendment shall become effective on February 2, 1959.

Signed at Washington, D. C., this 10th day of November 1958.

CLARENCE T. LUNDQUIST,
Administrator.

[F. R. Doc. 58-9509; Filed, Nov. 17, 1958; 8:46 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 35—PHILATELY

ORDER FOR STAMPS

The proposed amendment to § 35.1 published in the FEDERAL REGISTER of September 11, 1958, at page 7044 (23 F. R.

7044), F. R. Doc. 58-7429, is hereby adopted, without change, as a regulation of the Post Office Department, as set forth below.

[SEAL] ALBERT B. WARBURTON,
General Counsel.

In § 35.1 *The Philatelic Agency*, amend paragraph (c) to read as follows:

(c) *Order for stamps.* All stamps are for sale at face value, plus postage and handling charges listed below, for mail orders where domestic rates apply:

1 to 49 stamps.....	\$0.05
50 to 400 stamps.....	.10
401 to 1,000 stamps.....	.20
1,001 to 3,000 stamps.....	.40
3,001 to 5,000 stamps.....	.70
5,001 to 10,000 stamps.....	1.20
10,001 to 35,000 stamps.....	3.00
Over 35,000 stamps.....	5.00

A flat charge of 50 cents will be made on each order for registration regardless of value where this protection is desired. All mail orders will be returned by official permit mail, and postage stamps will not be affixed to covering envelopes. Address your order to Philatelic Sales Agency, Post Office Department, Washington 25, D. C.

NOTE: The corresponding Postal Manual section 145.13.

(R. S. 161, as amended, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

[F. R. Doc. 58-9529; Filed, Nov. 17, 1958; 8:50 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 33—CENTRAL REGION

SUBPART—UNION SLOUGH NATIONAL WILDLIFE REFUGE, IOWA

HUNTING

Basis and purpose. Pursuant to the authority conferred upon the Secretary of the Interior by section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U. S. C. 715i), as amended and supplemented, and acting in accordance with the authority delegated to me by Commissioner's Order No. 4 (22 F. R. 8126), I have determined that the hunting of deer on the lands of the Union Slough National Wildlife Refuge, Iowa, is essential to maintain the herd population within the forage capacity of the refuge and that such hunting would be consistent with the management of the refuge.

By Notice of Proposed Rule Making published in the FEDERAL REGISTER of October 2, 1958 (23 F. R. 7624), the public was invited to participate in the adoption of a proposed regulation (conforming substantially with the rule set forth below) which would permit the hunting of deer on the Union Slough National Wildlife Refuge by submitting written data, views, or arguments to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D. C., within a period of 30 days from the date of publication. No comments, suggestions, or objections having been received within the 30-day period, the regulations constituting Part

33, Subpart—Union Slough National Wildlife Refuge, Iowa, are amended by adding a new § 33.256 reading as follows:

§ 33.256 *Deer hunting permitted.* Subject to the provisions of Parts 18 and 21 of this chapter, the hunting of deer is permitted on December 13 and 14, 1958, only, on all of the lands of the Union Slough National Wildlife Refuge, Iowa, subject to the following conditions, restrictions, and requirements:

(a) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(b) *Dogs prohibited.* Dogs are not permitted on the refuge for use in the hunting of deer.

(c) *Checking stations.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for the purpose of regulating the hunting.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Since the amendment set forth above will relieve restrictions which otherwise would preclude the hunting of deer on the Union Slough National Wildlife Refuge, the rule is exempt from the 30-day advance publication requirement imposed by section 4 (c) of the Administrative Procedure Act of June 11, 1946, 60 Stat. 238; 5 U. S. C. 1003 (c). Accordingly, the foregoing amendment shall become effective immediately upon publication in the FEDERAL REGISTER.

Dated: November 12, 1958.

A. V. TUNISON,
Acting Director, Bureau of
Sport Fisheries and Wildlife.

[F. R. Doc. 58-9503; Filed, Nov. 17, 1958; 8:45 a. m.]

PART 35—NORTHEASTERN REGION

SUBPART—MISSISQUOI NATIONAL WILDLIFE REFUGE, VERMONT

HUNTING

Basis and purpose. Pursuant to the authority conferred upon the Secretary of the Interior by section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U. S. C. 715i), as amended and supplemented, and acting in accordance with the authority delegated to me by Commissioner's Order No. 4 (22 F. R. 8126), I have determined that the hunting of deer on designated lands of the Missisquoi National Wildlife Refuge, Vermont, is essential to maintain the herd within the forage capacity of the refuge and that such hunting would be consistent with the management of the refuge.

By Notice of Proposed Rule Making published in the FEDERAL REGISTER of September 16, 1958 (23 F. R. 7135), the public was invited to participate in the adoption of a proposed regulation (conforming substantially with the rule set forth below) which would permit the hunting of deer on the Missisquoi National Wildlife Refuge by submitting written data, views, or arguments to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D. C., within a period of 30 days from the date of pub-